

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MEREDITH D. DAWSON,

Plaintiff,

v.

GREAT LAKES EDUCATIONAL LOAN SERVICES,  
INC., GREAT LAKES HIGHER EDUCATION  
CORPORATION, JILL LEITL, DAVID LENTZ, and  
MICHAEL WALKER,

Defendants.

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ORDER

15-cv-475-jdp

Defendants have filed a motion for leave to file proposed findings of fact in support of their motion for summary judgment. Dkt. 240. Although defendants filed their summary judgment motion on June 3, 2019, counsel for defendants (Eric Pearson of Foley & Lardner LLP) says that he wasn't aware of this court's summary judgment procedures (which include filing proposed undisputed facts) until plaintiff referred to those procedures in her opposition materials, filed on July 18. Dkt. 241. Counsel doesn't explain why he waited another week before filing this motion.

The judges in this district have followed the same basic summary judgment requirements for many years. Those requirements are spelled out in an attachment to the pretrial conference order. In this case, the summary judgment requirements were first sent to the parties with Judge Crabb's pretrial conference order of November 19, 2015. Dkt. 38. After the trial schedule was reset, updated summary judgment procedures for Judge Peterson were provided on October 12, 2018. Dkt. 182. The excuse that Foley's email system was down for a few days in October, 2018, does not justify defense counsel's failure to follow this district's

summary judgment procedures, particularly one so well-known and long-standing as the required statement of undisputed facts.

In another case, the court might simply deny the motion for summary judgment, and deem the offending party to have forfeited its right to ask for summary judgment. But in a case as complex as this one, denying the motion might well create more problems than it would solve. So defendants' motion will be granted. But every attorney who has appeared or appears in the future for the defendants in this case will have to sign and file a declaration stating that: (1) the attorney has read the pretrial procedures packet, Dkt. 182; and (2) in the event of an information systems outage, the attorney will check the docket to make sure that no filing or order has been missed.

#### ORDER

IT IS ORDERED that defendants' motion for leave to file proposed findings of fact, Dkt. 240, is GRANTED. Defendants may have until July 29, 2019, to both file proposed findings of fact and the declarations required by this order. To avoid giving defendants an unfair advantage, defendants' proposed findings of fact should be limited to facts discussed in their opening brief. Plaintiff may have until August 12, 2019, to file responses to defendants' proposed findings of fact.

Entered July 25, 2019.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge